

## REMARKS

This application has been carefully reviewed in light of the Office Action dated July 17, 2003 (Paper No. 11). Claims 1 to 23 are in the application, of which Claims 1, 12, and 23, the independent claims, are being amended. Reconsideration and further examination are respectfully requested.

Claims 1 to 5, 7 to 16 and 18 to 23 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,243,093 (Czerwinski), and Claims 6 and 17 have been rejected under 35 U.S.C. § 103(a) over Czerwinski and U.S. Patent No. 5,878,414 (Miike).

The present invention concerns retrieval of information from a database based on an entered search condition, and display of the retrieved information according to a degree of coincidence associated with each piece of retrieved information, wherein the output size and position of a retrieved piece of information is based on its degree of coincidence.

Turning to the specific language of the claims, Claim 1 defines an information retrieval apparatus comprising a calculation means, a determination means and an output means. The calculation means calculates a degree of coincidence between a search condition being input and each information to be retrieved in a database. The determination means determines, on results of retrieval respectively for the plural information to be retrieved of a high degree of coincidence, an output feature amount of each result of retrieval according to each degree of coincidence. The output means outputting the results of retrieval based on each output feature amount, such that information having a higher degree of coincidence is output in a larger size at a position closer to a center of an output part.

The applied art, namely Czerwinski, is not seen to disclose or to suggest outputting results of retrieval such that information having a higher degree of coincidence is output in a larger size at a position closer to a center of an output part.

It is conceded in the Office Action, at pages 3 and 4, that Czerwinski does not disclose outputting results of retrieval such that information having a higher degree of coincidence is output in a larger size at a position closer to a center of an output part. The Office Action states that this limitation would have been obvious. The ground for rejecting the claims based on obviousness is not considered to be legally sufficient, since a prima facie case of obviousness under § 103(a) has not been established, and withdrawal of the rejection is respectfully requested.

As stated in MPEP § 2143, in order to establish a prima facie case of obviousness, evidence of the following must be shown:

"[f]irst, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

As stated in MPEP § 2143.1, the modification of the teachings of references must be "found explicitly or implicitly in the references themselves, or in the knowledge generally available to one of ordinary skill in the art".

As discussed above, the Office Action concedes that Czerwinski fails to disclose outputting retrieved information such that information having a higher degree of

coincidence with a search condition is output in a larger size at a position closer to a center of an output part. In addition, reference is respectfully made to the discussion of graphically depicting matches in objects commencing at col. 18, line 8 of Czerwinski, wherein it is indicated that the degree to which objects match is depicted using various techniques, none of which are seen to disclose or even to suggest using size and position. The portions of Czerwinski cited in the Office Action have been carefully reviewed and are also not seen to disclose or even to suggest using size and position to depict a degree of coincidence between a search condition and retrieved information. Finally, the Office Action does not identify any portion of Czerwinski, or any other reference for that matter, as evidence of a suggestion or motivation to modify Czerwinski.

Accordingly and since the Office Action concedes that Czerwinsky does not teach each and every feature of the claim and no evidence of a suggestion or motivation to modify Czerwinsky is proffered by the Office Action, Applicant submits that a prima facie case of obviousness has not been established. Accordingly, the rejection under 35 U.S.C. § 103(a) is believed to be legally insufficient, and withdrawal of the rejection is respectfully requested on this ground. In addition and since Czerwinsk fails to teach each and every feature of the claim, the rejection is both legally and technically insufficient, and withdrawal of the rejection is considered proper on this ground as well.

Miike has also been reviewed and is also not seen to disclose or to suggest the features of Claim 1.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicants submit that Claims 12 and 23 are believed to be in condition for allowance for at least the same reasons.

The remaining claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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